

EMANCIPATION AND ENROLLMENT OF SLAVES IN THE SERVICE OF THE UNITED STATES.

SPEECH

OF

HON. CHARLES B. SEDGWICK,

OF NEW YORK,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

FRIDAY, MAY 23, 1862,

Mr. SEDGWICK said: I rise to advocate an amendment which I propose to submit to the bill introduced by the select committee.

The amendment was read, as follows:

"And whereas the several States of Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Florida, Texas, and Arkansas, wickedly and unlawfully combining under the title of the Confederate States of America, have, together, made war upon and rebelled against the Government of the United States, and continue in such state of war and rebellion: Therefore,

"Sec. 3. *Be it further enacted*, That every commanding military or naval officer whose military district shall embrace any portion of the above named States may, and it shall be his duty, by proclamation or otherwise, to invite all loyal persons to come within his lines and be enrolled in the service of the United States; and it shall be his duty to enroll every such loyal person and to employ such of them as may be necessary in the service of the United States, and no person so enrolled and declaring his loyalty to the United States, nor any of his family or descendants, shall ever thereafter be held to involuntary service or labor, (except as a punishment for crime,) any law or regulation of any State to the contrary notwithstanding: *Provided*, That if the slaves of any person or persons who have been and continued loyal to the Government of the United States shall be made free by the operation of this section, such loyal citizen or citizens shall be entitled to just and reasonable compensation for his claim to the service or labor of such slave: *And provided further*, That if the slaves of any person or persons who are minors or married women shall be made free by the operation of this section, they shall also be entitled to just and reasonable compensation for their claim to the service or labor of such slaves."

Mr. SEDGWICK. The recital of that amendment avers that eleven States formerly of the Union, combined together under the title of "the Confederate States of America," have *made war upon* and rebelled against the Government of the United States, and continue *in such war* and rebellion. Upon that fact I propose to base an enactment by which it shall be the duty of every commanding officer of a naval or military department within any portion of those States in some way, by proclamation or otherwise, to invite all loyal persons—and I mean to include in that slaves—to come within the lines and be enrolled in the service of the United States—and I mean by that any service which they can render, civil or military—and that it shall be the duty of such commanding officers to enroll every such person and employ such of them as may be necessary in the service of the United States, and the reward for that service I propose to make FREEDOM to them and their descendants forever. I include in that the slaves not only of rebels, but of persons claiming to be loyal; but I propose for these compensation, and I also propose compensation for the services of all such as may be claimed by widows and minors. I claim the right to this enactment under the war power, and I shall attempt to show that it exists, and that it is within the power of Congress to legislate in regard to it.

Mr. Speaker, I consider the true end of all wars to be a speedy, honorable, and lasting

peace. I am most profoundly impressed with the horrors of war. They cannot be exaggerated. It brings in its train the destruction of industry. It turns it from its peaceful and accustomed channels to forging the dread implements of death. It brings with it public debt and private suffering. It brings with it fraud and speculation upon the Government. All these are exaggerated if it is a civil war. Hatreds are engendered which survive the generation in which they had their origin. It brings with it interminable feuds and sectional controversies, which peace finds it hard to eradicate. If, however, it is a just revolution, to overthrow a wicked and corrupt and tyrannous Government, its speedy success is desirable. If it is a causeless war, waged against a good Government, a wholesome and severe punishment, compelling obedience to law by firmness and force, is equally desirable. The laws of war are absolutely despotic. Amid the din of contending hosts, civil laws are silent. What is due process of law in time of peace—presentment, indictment, trial, confronting of witnesses with the accused, arguments of counsel, appeals and pardon—is all useless; it is laid aside. Its punishments are swift and summary. In place of the due process of law in time of peace, you find the orders of a military chieftain standing in the place of civil law. You find the drum-head court-martial in place of your court-house, the emblem of peace and civilization. These are the processes in time of war by which life, liberty, and property are to be protected. Why, sir, upon a single field a thousand men may be slaughtered, and justly slaughtered, although among that number there are hundreds who are innocent of any criminal or treasonable intent—possibly the victims of a military conscription, which they would have resisted had they been able, impressed and compelled to fight for a cause which they detest, or perhaps even believing sincerely that they are fighting for justice, for truth, for country, for liberty. The *habeas corpus* is suspended; the right of private domicile is denied; and troops are quartered against his consent in a man's castle. All private rights must yield to the stern necessities of war.

Sir, the question for us to consider is whether war exists here and now between this Government and the government of these combined and confederate States. The theory of

preamble of this law is that eleven STATES, unlawfully combining together, have made WAR upon and rebelled against the Government of the Union, and continue in such state of WAR and rebellion. The opposite theory is that certain insurrectionary CITIZENS of the United States have rebelled against the Government of the United States and endeavored to overthrow its authority; that a State, as such, can neither commit treason against the Government, nor engage in war against it; that it is a mere conspiracy and combination of citizens, a riotous, unlawful, insurrectionary combination of individuals to resist the laws; that the leader of the Army is merely a representative of the civil officers, attended by a *posse comitatus* to arrest offenders and bring the accused criminals to trial under the slow process of the civil law. It is said that when our arms are successful and these unlawful combinations are suppressed, "the States will remain essential parts of the body-politic," and St. Paul is awakened from the dead to give countenance to this doctrine. I regard it as one of those bold and audacious propositions which cannot fail to shock the common sense of mankind, in whatever plausible and seeming fair terms it may be stated, and by whatever ingenious and subtle reasoning it may be supported. Grant, as everybody does, that the ordinances of secession are absolutely null and void; that the whole theory of secession is vicious and in palpable violation of the Constitution; still it does not follow that pernicious doctrines may not be supported by armies and navies, and result in actual war.

It is easy to say that an unconstitutional act is a void act; to say that the separation of the States cannot be effected because unlawful, and that those engaged in it are technically, and legally traitors, and not enemies. Look at the facts as they now exist—for I desire to make this a practical and not a theoretical question. Eleven States have, by formal conventions of their people, renounced their allegiance to this Government. All their State officers, judges, magistrates, municipal officers, military and naval officers, have taken the oath of allegiance to a new and hostile government, and recognise no authority binding upon them but that. All the State Legislatures in these eleven States are hostile. They have, in pursuance of formal State Legislation, met in general convention

and established a general government, with executive, legislative, and judicial branches, put it in successful operation; and held a general election under it. They have passed laws under that government by which the estates of all citizens of loyal States are confiscated, and all the estates of their own citizens suspected of loyalty to the United States, and they have imprisoned their persons or sacrificed their lives. They have levied taxes and imposts, raised armies and navies, enforced military conscription, issued letters of marque, sent hostile vessels to vex the seas, and, in fact, done all which a sovereign State may of right do. They have seized all the forts, mints, custom-houses, and public property of the United States, coined money, emitted bills of credit, and, I believe, made them a lawful tender—the highest act of sovereignty. They have ousted all Federal magistrates from jurisdiction within their limits, have established their own system of mails, have opened, as far as they could, foreign commerce, appointed judges, and done everything which a State can do, an organized, recognised State and sovereignty; and all this is done with the consent of the majority of the people who have authority to establish their own State government and their own State laws, and conduct their elections for such State officers as they choose, when they do not come in conflict with the rightful authority of the Constitution. All this meets with no opposition, even from the minority. Armies are raised to sustain them. They have induced foreign nations to recognise their status as a belligerent nation. Look at the facts upon that subject. If they have no existence as States, their letters of marque to privateers are nullities, and the crews of the privateers are pirates, and subject to death under our laws, and yet we dare enforce no penalty, because they threaten, if we do, to put to death an equal or greater number of our citizens in retaliation. They have compelled us to receive their flags of truce. They have compelled us—although the Administration, standing on the technical ground that they were not belligerents, and were not entitled to recognition, stood out against it for a long time—to exchange prisoners with them, to receive cartels, and to treat them, in all respects, as we would treat any other nation in war against us. Now, if that is not war, in God's name what is it? Is it a riot, an insurrection, a combination

of individuals, or is it a war between actual and organized States?

But it is said that some anomalies will arise under it. It is said that you cannot indict a State; that a State cannot commit treason, nor incur a forfeiture of its powers and functions as the penalty of treason. True. We have no process of indictment by which States are to be brought before the bar of justice. But they can make war, as we know to our cost. They can wage an unjust war, and they can, by the laws of war, be driven from their capitals, their authority abrogated, and their officers supplanted by military governors, martial-law, and the rule of the sword. Take an illustration which an honorable gentleman [Mr. THOMAS, of Massachusetts] has pronounced to the House. Tennessee has seceded, has passed a secession ordinance, and sustained it by force. Has she forfeited her right as a State? It has been said, "the voice of her eloquent Senator is heard in the Capitol, her venerable judge sits in the highest judicial tribunal, and exercises the highest functions of government, her Representatives mingle in our councils, and her loyal citizens greet with tears of joy the banner of our advancing hosts." That is all true, or was true when it was spoken. But that same courageous, manly, and honorable Senator now sits in the Governor's chair of Tennessee; not called there by the suffrages of the citizens of the State, under the laws of the State, but selected by the Commander-in-Chief of the army of the United States. Her Legislature is driven out at the point of the bayonet; the functions of her magistrates are suspended at the will of a military governor. That venerable judge holds the circuit in his district under the protection of Federal bayonets, and at the will of a military governor. Before that State can be rightfully represented here, she must go back to the people—the source of political power—and, by the action of a popular convention, her Legislature and Governor and magistrates must be reconstituted. Elections must be ordered by new laws, and the whole machinery of government must be started afresh. It is said that we levy taxes, that we call on her for her contingent of troops, and that all these are, doubtless, mistakes. They are mistakes, when one-third or one-half of her citizens can enlist under the banners of an enemy, and when one-

third or one-half of her taxes goes to the support of a hostile government. But all these mistakes are the legitimate result of the dread appeal to war. Its laws are framed to meet the necessities of the occasion; and the death of States and the crushing out of institutions are among its dread but acknowledged prerogatives.

So in North Carolina, one of the old and honored Thirteen. A Governor and a Legislature elected by the free suffrages of her citizens in pursuance of regular State laws are to be banished, and a military governor, called from the furthest State of the Union, from the shores of the Pacific, is to be sent there at the voice and bidding of a single man to be put over her people. His ministers of justice are Rhode Island soldiers: and the laws which they execute are the will of the military governor. And if the Commander-in-Chief may send a military governor to Tennessee and a military governor to North Carolina, what is there, I ask, to prevent his sending one military governor for the whole territory of these eleven States except his judgment of the propriety of the matter? So, too, we have sent a military governor to South Carolina, while there is not within her whole borders a loyal white man of whom we could make a military governor of the State. I think there was a mistake in that. I think the President should have selected the only loyal resident who is shown to have courage and conduct and prudence—I mean Robert Small—to preside over that people. It would have been poetic justice, and if our father Abraham was half as much a poet as he is a prophet, he would have sent him there. It would have been constitutional. He had just as much right to do it as he had to send Edward Stanley to North Carolina and Andrew Johnson to Tennessee. It depends on the will of the Commander-in-Chief, and that is the law for the occasion.

Now, sir, when these States go back to the source of power—the people—by permission of the military power, and not before, and shall form new Constitutions and Governments, and ask again to be represented in the councils of the nation which they have so basely abandoned, and so traitorously betrayed, *it may be in the power of Congress to impose the terms on which they shall be admitted.* But that question is not pertinent to this argument, and I

pass it by. All this does not depend simply on reason. We have judicial authority for it. In a case ably argued at the bar of the Massachusetts district court before an experienced judge, it was decided that a state of war existed between the rebellious States and the Government, and that, as a consequence of this, the property of any person within the limits of those States was *ipso facto* presumed to be enemy's property, and liable to seizure and confiscation. The State of Pennsylvania, in her district, and the State of New York, in her district, have sanctioned the same doctrine in adjudged cases. Adding treason to all this state of war does not alter the circumstances.

Mr. THOMAS, of Massachusetts. The gentleman from New York will allow me to suggest that in his own State, Judge Nelson, in his charge to the grand jury, laid down an entirely opposite doctrine.

Mr. SEDGWICK. Charges to grand juries do not settle laws in our State at all; but decided cases we regard as of some authority.

Mr. THOMAS, of Massachusetts. Of a district court.

Mr. SEDGWICK. I cannot stop. I must go on. People perplex themselves with ideas about simple governments, and with theories about the nature of our Government. Some will have it that it is a partnership, or compact, or league between independent, equal, and sovereign States—a confederacy of States, the term which my friend hates so badly. Others insist that it is a government framed and ordained by the people acting, not through States, nor upon the citizens of States, but directly on all the citizens of the United States. It is in truth a complex form of Government, and not half so simple as a monarchy or a despotism. The equality of the States is recognised in the equality of their senatorial representation, in their voting for Chief Magistrate by States, failing a popular election by the people. The consent of the people of the several States to this Government and to our Constitution was a consent given by States in State conventions, and not by a general convention of the people of all the States.

On the other hand, there are inequalities in representation and otherwise, to show that it is not altogether a combination or union of equal and separate independent States. The States exercise all the rights of independent govern-

ments, unless where expressly surrendered. Where they are expressly surrendered, they come within the jurisdiction of the General Government. It is, therefore, a complex form of government, and not a simple one. There is no right, under the Federal Government, for the States to make war on each other, to enter into confederation, to keep armies or navies, or to make treaties with foreign Powers. This, however, cannot prevent their making actual though unlawful war, entering into unlawful confederacies, raising armies and navies, in fact, if they have the means, of entering into foreign treaties, provided they can find States willing to enter into treaties with them. So they have the constitutional right to a guarantee of a republican form of government, and we give them a military government. They are authorized to require of us the guarantee of a republican form of government, and yet the President of the United States, as Commander-in-Chief of the army, without any express warrant of constitutional authority, by the military power, gives them instead a tyrannical, despotic, military government. They have the right to select, by the suffrages of their people, their Governors, their Legislatures, and their judges as they like, to make laws to govern themselves, not interfering with the General Government; yet we are giving them military tribunals and executioners, from a military necessity, because of the state of actual war which justifies it; not as a punishment for crime, not pretending to be in the line of judicial precedents, but from stern military necessity.

It is clear, then, that we have against these rebellious States and their people belligerent rights. We have the military right of the subjugation of our enemies, to be restrained and guided only by the limitations of military law. To one of those rights, that of the confiscation of the property of our enemies, I do propose at this time to speak. It is a clear belligerent right to some extent; to what, I do not now stop to inquire.

I propose now to comment upon another belligerent right: that to abrogate, overthrow, and destroy any hostile institution. Any municipal institution or law establishing any civil relation whatever which stands in the way, or which the war-making power or the war-conducting power thinks stands in the way of the successful prosecution of the war, be it slavery,

be it the government of a State authorized by a regular convention of its citizens, be it judicial tribunals established under State laws, whatever the institution may be, I care not how sacred, any civil institution that stands in the way of the progress of our arms to a successful and honorable peace may be abrogated by the military authority.

Now, where does this power reside? I say it resides in Congress. The war power is the highest attribute of sovereignty. It is always with the emperor, with the king, with the autocrat. In republican governments this power is lodged with Congress, as the representatives of the sovereign people of the country. Congress is empowered by the Constitution—among other things—to declare war, to make peace, to raise and support armies, and within the very meaning and letter of the Constitution, Congress is authorized to put arms into the hands of any loyal citizen within its jurisdiction. By the letter and spirit of the Constitution they may raise armies of such loyal people within their jurisdiction as they choose to arm, be they slaves, be they black men, be they yellow men, be they red men, or be they white men—anybody whom they think can fight and act in subordination to military discipline they may enlist in the armies of the country. They are to make such rules and regulations for their government in time of war as they please, to call out the militia to suppress insurrection, levy and collect taxes, quarter soldiers in citizens' houses against their consent, and execute summarily, by martial law, in defiance of the rights of citizens and without that due process of law to which they are entitled in time of peace, for the protection of their lives, their liberty, and their property. The Constitution has delegated to Congress all the powers which are necessary to carry into effect the laws of war or of peace. In short, Congress, as the representative of the sovereignty of a republican country, has unlimited power over the whole subject-matter. It is despotic. So far as the war power is concerned, Congress is an absolute despotism. They have the power to pass any law which they think best calculated to carry the war to a successful conclusion. They are absolute and sovereign. Of course, they are subject to the limitations of international law, which, however, apply no more to them than they do to emperors and kings.

They are subject to the control of the doctrines of humanity that govern all men everywhere, and to the laws of God that speak in a voice of authority, above the voice of the constitutions and statutes of men, whether in peace or war.

What is the authority of the military commander of a district, or of the Commander-in-Chief of our armies? In the absence of congressional direction his authority is ample in relation to the modes and measures necessary, in his judgment, to weaken the strength and resources of the enemy. If a military necessity should require it he could, in his discretion, order the universal emancipation of slaves; he could give them a military direction, and take them into his service. What is a military necessity? It means the use of such power, the resort to such means and measures, as will most speedily and essentially weaken the enemy or strengthen himself, to enable him to conquer a peace. But Congress has full and ample authority to control by law the policy of the war. I speak not now of the movements of armies in the field. I mean the policy of the war—to say what shall be the general character of the movements, whether it shall be an offensive or a defensive war; to investigate by its committees into the conduct of the war, to say how far the enemy's property shall be seized or confiscated. So it would have a right to say what institutions were dangerous and should be suppressed. This ample authority necessarily results from its full constitutional jurisdiction over the whole subject-matter of war and peace. What is the extent of this war power?

Sir, I am one of those who have for a long time hated slavery intensely, and yet have always subscribed to the doctrine that in time of peace our Constitution gives no authority whatever to Congress to legislate in regard to the institution of slavery in the States. I subscribe to that doctrine now. But the war power is essentially despotic. It is the enlarged right of self-defence for a nation. It is to provide for the public safety; it is arbitrary. I reject the idea that slaves may be confiscated as property, or taken as property, under the right of eminent domain. I regret that the doctrine should be advanced or sanctioned for an instant by the Representative of any northern State, that property could possibly exist in man. It is absolutely idle to claim that any such right of property can exist.

I look upon slavery, upon the other hand, as a civil relation, a municipal institution. If in time of war it is a hostile institution, if it gives strength to the enemy, weakens the Government, or embarrasses the successful prosecution of the war, it may be swept away and abolished by military authority. In the language of a great statesman, whose accurate learning and comprehensive grasp of intellect have never been excelled in the American Congress:

"I lay this down as the law of nations. I say that military authority takes, for the time, the place of all municipal institutions, and SLAVERY AMONG THE REST; and that, under that state of things, so far from its being true that the States where slavery exists have the exclusive management of the subject, not only the PRESIDENT OF THE UNITED STATES, but the COMMANDER OF THE ARMY, HAS POWER TO ORDER THE UNIVERSAL EMANCIPATION OF THE SLAVES." *

* * * "From the instant that the slaveholding States become the theatre of a war, civil, servile, or foreign, from that instant the war powers of CONGRESS extend to interference with the institution of slavery, IN EVERY WAY IN WHICH IT CAN BE INTERFERED WITH, from a claim of indemnity for slaves taken or destroyed, to the cession of States, burdened with slavery, to a foreign Power." * * * "It is a war power. I say it is a war power; and when your country is actually in war, whether it be a war of invasion or a war of insurrection, Congress has power to carry on the war, and MUST CARRY IT ON, ACCORDING TO THE LAWS OF WAR; and by the laws of war, an invaded country has all its laws and municipal institutions swept by the board, and MARTIAL POWER TAKES THE PLACE OF THEM. When two hostile armies are set in martial array, the commanders of both armies have power to emancipate all the slaves in the invaded territory."—J. Q. Adams.

I understand this doctrine to be distinctly assented to by the able successor [Mr. THOMAS] of that venerable statesman in this House, in whose recent speech I find the following language:

"There is one other exigency in which the relation of master and slave must give way to military necessity. If the commander of a military district shall find that the slaves within it, by the strength they give to their rebellious masters—by bearing arms, or doing other military service, or acting as the servants of those who do—obstruct his efforts to subdue the rebellion, he may deprive the enemy of this force, and may remove the obstruction by giving freedom to the slaves. This, it is apparent, is not a civil or legislative, but a strictly military right and power, springing from the exigency, and measured and limited by it, to be used for the subduing of the enemy, and for no ulterior purpose. If the Commander-in-Chief, and the generals

under him, shall observe faithfully this distinction, the use of the power ought to be no just ground of complaint. If, in consequence of the protraction of the war, the effect of the use of this power should be to put an end to slavery in any of the States, or to weaken and impair its force, we may justly thank God for bringing good out of evil."

This yields the whole question of *power*, and reduces it to the inquiry as to how it shall be exercised and by whom. It remains a mere question of legislative or of military discretion, according as you hold that the power resides in Congress, or, absolute and independent of Congress, in the Commander-in-Chief of the army, or the commander of a military district.

Various other precedents are stated in which the military or war power of Congress over the slaves in the rebellious States is asserted. It is admitted that captured slaves employed in the military or naval service of enemies may be set free; that the Government may refuse to return a slave to a disloyal master; "that the Government may require the services of all *persons*"—including, of course, slaves—"within its jurisdiction, when necessary to aid in executing the laws, in suppressing insurrection, or repelling invasion. This right is, in my judgment, paramount to any claim of the master to his labor under the local law. There might be a question of the duty of the slave to obey, but the will of the master could not intervene. His claim, if any, would be a reasonable compensation for the labor of his slave." I wish to call the attention of the House to the fact that of all the powers I have enumerated, these war powers arising in military necessity wherever located, *not one of them is given in terms by the Constitution*—not one of them. They are *implied war powers*, implied from military necessity. You have the right to destroy the institution that feeds the enemy, that digs his trenches, that performs the labor of his army, and saves the necessity of enlisting more white men to do the service. You have the same power to destroy that hostile institution that you have to destroy the military school that educates its officers, or the religious order which incites its people to hostility under high religious authority.

If this be so, that although none of the powers are granted by the express letter of the Constitution, they nevertheless do exist as war powers, the whole question of *power* is yielded,

and it leaves only a question of legislative or military discretion as to the existence of the military necessity justifying its use. And that is to be controlled—how? By considering what is the true *policy* in the particular case, whether of overthrowing or suffering the continuance of any hostile institution.

Sir, the gentleman from Massachusetts [Mr. THOMAS] has laid down the rule that "nothing but the *direst extremity* would excuse the use of a power fraught with so great perils to both races." What is that *direst extremity*?

Mr. THOMAS, of Massachusetts. The gentleman will not find that remark in my speech.

Mr. SEDGWICK. I quote the gentleman's exact words.

Mr. THOMAS, of Massachusetts. It does not refer to that subject.

Mr. SEDGWICK. I do not yield the floor. I will quote the exact language of the gentleman from Massachusetts.

Mr. THOMAS, of Massachusetts. Does the gentleman mean to say that those remarks are mine?

Mr. SEDGWICK. I do not yield the floor further.

What is this dire extremity to which the gentleman from Massachusetts has referred? But a little more than a year ago this war was commenced. It commenced with the interruption to the approaches and the threatened attack upon and seizure of our capital. Massachusetts soldiers, hastening to its relief, were assaulted and murdered in the streets of Baltimore; the capital was blockaded, and our principal avenue to the ocean was closed for months; and yet, I suppose, this dire extremity was not reached. Our commercial cities were plunged into bankruptcy and ruin, our commerce was threatened by privateers upon the ocean, and our industry paralyzed, and yet, I suppose, this dire extremity had not arrived.

"The angel of death spread his wings on the blast."

Mr. THOMAS, of Massachusetts. I ask the gentleman to yield to me for a moment.

Mr. SEDGWICK. I decline to yield the floor.

A million of American citizens are now in arms and arrayed against each other—men who ought to be friends and brethren—seeking each

other's lives. The bones of hundreds of the unburied soldiers of Massachusetts and New York are whitening in the sun upon many disastrous battle-fields. The hospitals of our cities, towns, and villages, are crowded with the crippled and disabled victims of this cruel war; bearing home misery to many a mourning family. The fields are crimsoned with the blood of our slain. And yet the gentleman's dire extremity is not reached.

Mr. THOMAS, of Massachusetts. The gentleman ought not to quote me, if he will not let me correct him.

Mr. SEDGWICK. I do not yield. The flower of the New England youth, the young men of education and refinement from her colleges and universities, those who should adorn the professions and ornament all the walks of peaceful life, have, with an earnest patriotism and devotion, gone forth to battle and to death. The graves of Rhode Island soldiers, the neighbors and friends of my honored friend before me, [Mr. SHEFFIELD,] are violated, and their skulls are carved into ornaments to grace the girdles of the gentlewomen of the South. Disease and pestilence are standing in our path, and as our victorious troops advance into the Gulf States, the frightful yellow fever and gaunt cholera look upon their crowded camps, and exclaim :

"We are the lords of the teeming town,
And will mow them down, will mow them down."

And still this dire extremity is not reached. When, in heaven's name, will it be reached?

And what are the "great perils to both races" with which emancipation and the employment of freed men in our army are fraught? Looking at what we have done in the past, I find our history is not barren of examples, to some of which I will refer.

The State of Rhode Island, which my friend who preceded me in this debate [Mr. SHEFFIELD] represents, during the revolutionary war, in pursuance of the recommendation of Washington, and at the suggestion of General Varnum, armed two battallions of negro slaves. The preamble to the act authorizing their enlistment asserts that history affords frequent precedents of the wisest, the freest, and bravest nations having liberated their slaves and enlisted them as soldiers to fight in defence of their country; and the act promised to every

slave so enlisting that he should be "absolutely free, as though he had never been incumbered with any kind of servitude or slavery." I wish it could be blazoned in letters of gold that this Congress, imitating an example so noble, had proclaimed freedom to be the just reward of every slave enlisting in the military service of the country. There is no evidence that any white battallion, during the revolutionary struggle, exceeded in fidelity or courage those Rhode Island freed men. Hon. Tristram Burgess, in a speech in Congress, declared "that no braver men met the enemy in battle; but not one of them was permitted to be a soldier until he had first been made a free man." And Governor Eustis, of Rhode Island, also said that "they formed an entire regiment, and discharged their duty with zeal and fidelity."

So, also, my own State of New York, during the revolutionary war, passed an act granting freedom to all such slaves within her borders as should enlist and serve in the army for three years. And again, in 1814, she passed a law authorizing the raising of two thousand colored troops. There were many colored sailors in our fleets upon the northern lakes in the last war with England. Commodore Chauncey had fifty upon his flag-ship, the Pike, on Lake Champlain, and the bones of many a black sailor, whose life was sacrificed in the defence of the country, are buried beneath the emerald waters of our lakes.

Charles Pinckney, of South Carolina, said, in 1820, in speaking of the services of colored men in the Revolution :

"To their hands were owing the erection of the 'greatest part of the fortifications raised for the protection of the country, and, in the northern States, numerous bodies of them were enrolled and fought, side by side with the whites, the battles of the Revolution.'"

The will of the Father of his Country refers in terms of praise to the faithful services of a colored man (William Lee) during the revolutionary war, granting him freedom and a pension. The negro has never failed to respond with alacrity and bravery to a call to arms when the proffered reward was freedom. I might cite abundant historical examples to show that no civilized nation ever failed, when entering upon hostilities with a State having the institution of slavery, as a first step toward weakening the enemy to proclaim the freedom of

the slaves; and no man ever heard of a people so degraded and debased that they retained no aspirations for freedom and were not seeking occasions to throw off the yoke, and who did not hail as deliverers any who offered them liberty as the reward of military service. They all have the same hopes, passions, desires, aspirations, and we shall find that with them, as with us,

———"the voice
That freedom's blessed gospel tells
Is sweet as sound of silver bells."

I am proud to say that the Navy in this war has never hesitated to enlist colored sailors. They found in the attack upon the forts at Hatteras that a gun was no less effective when handled by colored than when handled by white tars. And Jack never shrinks from fighting side by side with a brave man of any color, who stands to his guns without dodging. We have always enlisted colored sailors for the ships on the African station, for the reason that a boat's crew of white men could not row ashore from the anchorage, a distance of four or five miles, and return, without endangering seriously the lives of all of them. And if there was no military necessity for colored sailors, there is the same sanitary necessity for their employment in our Gulf squadrons which exists on the African station.

It is idle for us to talk of waging a war with one hand tied behind us, and that not the least serviceable of our hands; and it is equally foolish to go to war shorn of half our strength and armed with half our power. The officers of our Army and of our Navy, conservative Democrats when they started out, born and bred in slave States, like Dupont and Sherman and Hunter, though they may issue senseless and foolish proclamations, appealing to the hospitality of South Carolina, when they get upon the ground soon become impressed with the absolute necessity of enlisting colored men in the service of the country. I propose to do the same thing. I do not blink the question at all. I say I am in favor of putting arms into the hands of every colored man whom the naval or military commander can, by proclamation or otherwise, induce to come within his lines, be he the slave of the loyalist or a rebel, paying any just claim of the loyal person and giving freedom to the whole as the reward for good services.

I say this is a practical measure. I do not

believe in a proclamation that goes entirely beyond the power and the ability of the party issuing to enforce it, although I do not conceive it is necessary, in every such case of a paper proclamation, that the Chief Executive of the United States should issue a counter blast. I do not believe in that.

And here let me inquire, who opposes the employment of these men? The men who are actually fighting the battles of the country do not oppose it. You go through a forest with a black man, and meet a beast of prey; you do not ask him to stand aside behind a tree while you alone fight the ferocious animal; you are willing that he should take his club and deal such blows as he can. And this same principle of common sense will arm every loyal man in this country who is willing to serve the country in this its extremity. Nobody opposes it except those who think that it will exasperate the rebels in arms against us, the hyenas who violate the resting-places of the dead, and wear the skulls of our fellow-citizens as ornaments to their girdles. Nobody is afraid of it except those who think it will exasperate this kind of men.

Upon this same principle, if you should come into this House, you would get a certain class of men to vote for restoring to the army and navy lists every man in the confederate service who has been stricken from the rolls for treason. Why? Because they are certain to be desperate and awfully exasperated if you do not restore them. You struck them off merely because they are guilty of treason; merely because they are guilty of taking service in a hostile army; merely because they did this, and have slain your sons and kindred in battle, you struck them from the rolls; and good fellowship, fear of exasperation, will induce some to vote to restore them. The same argument used here will induce you not only to restore every one of them to their rank, but to pay the expenses of the war they have inaugurated, and assume the whole burden of the confederate notes; because all this depends upon exactly the same principle, and because the men who have lost their money in investment in confederate notes and have lost their places by enlistment in the Southern army will band together and go around the country stirring up discontent and discord, if you do not do them this demanded justice.

Now, sir, I have sometimes been tempted to say what I have verily and conscientiously believed, that there is not a loyal slaveholder in this country—

Mr. WADSWORTH. Mr. Speaker—

Mr. SEDGWICK. I do not yield.

Mr. WADSWORTH. I claim that the gentleman shall yield.

Mr. WICKLIFFE. I call the gentleman to order.

The SPEAKER. Does the gentleman rise to a point of order?

Mr. WICKLIFFE. I do.

The SPEAKER. The gentleman will state his point of order.

Mr. WICKLIFFE. The gentleman says there is not a slaveholder in this House who is a loyal man. Did he not?

Mr. SEDGWICK. Not quite. That is too restricted.

Mr. WICKLIFFE. He said there is not a loyal slaveholder in the country.

The SPEAKER. The gentleman will state his point of order.

Mr. WICKLIFFE. I pronounce the statement false.

The SPEAKER. The gentleman from Kentucky will take his seat.

Mr. WICKLIFFE. I will. [Laughter.]

Mr. SEDGWICK. Sometimes you can tell where the blow hits by watching the progress of the shot, and seeing where the dust rises.

Mr. WADSWORTH. Suppose I were to say that no abolitionist was loyal.

The SPEAKER. The gentleman from New York is entitled to the floor, and the gentleman from Kentucky is out of order.

Mr. SEDGWICK. I was about proceeding to say that I did not mean by "slaveholder" every person who was the owner, or claimed to be the owner, of slaves; and perhaps that would have relieved my sensitive friends, if they had waited one moment for the explanation. I mean by "slaveholder" the man who believes in the institution—that it is right, and that it should be perpetuated, and that it should be protected by human law and by the Constitution of the country in which he lives. The man who holds to that, and who is not willing, ay, who is not anxious, to sacrifice the institution of slavery to save the country, I believe is not loyal. The men who are not willing to give it up and have done with it, in order to

save the country, exist not only in the seceded States, but there are a great many such, I fear, within the States not actually in war against the Government—enough, almost, to control their counsels and their Legislatures, and make them hostile where they have the power, and neutral where they have not. I say, I believe a great deal of that feeling exists unresisted and uncontrolled in the States which still claim to be loyal to the Government.

And these are the men, too, who, when, to the glory of our country and the admiration of the world, we have abolished slavery in this District, rather than spend their time in enacting wholesome laws for the vindication of the Government and the restoration of its peace, think it is more honorable to turn this District of Columbia, which we have made free, into a hunting-ground for slaves.

And I class in the same category any man who, for party purposes or personal ambition, to restore a dead dynasty or establish a new one, comes into this House, or in any other public or responsible place, decries the credit of the Government or exaggerates its indebtedness, or depreciates its resources, and thus weakens instead of upholding the arm of the Executive.

Now, upon what terms shall we have peace? for that is the end of all war. The purpose of the war, upon the one hand, is to perpetuate slavery, to extend it over the territories, and obtain for it new constitutional guarantees. The utmost compromise offered was that proposed by the gentleman from Kentucky, [Mr. CRITTENDEN,] that we should divide the country by a geographical line, and guaranty, by constitutional amendments, slavery on one side of that line. I said the object of war on one side was to perpetuate and extend slavery, and obtain for it new guarantees. What is the opposite of that? If peace had continued, they might have sought by lawful means any constitutional guarantees they please, and we should have been powerless to resist, if the majority willed it; and we had, and claimed, no authority to legislate against the institution in their States. The converse and the opposite of that proposition is, that as this institution is the cause of the war; that, as by sympathy and a supposed common interest, it holds men together in hostility to the Government faster than with hooks of steel, and binds every slaveholder,

in the spirit which I have described, within its grasp, we will break it down, destroy it, and overthrow the institution, if the laws of war, under the Constitution of the country, give us the authority, as I most solemnly believe they do. I will have no disguise of my opinions or intentions. My stand upon the subject is open

to all observation. *I am for destroying this hostile institution in every State that has made war upon this Government; and if we have military strength enough to reduce them to possession, I propose to leave not one slave in the wake of our advancing armies—not one.*

[Here the hammer fell.]

WASHINGTON, D. C.

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